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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/685,215

10/14/2003

William A. Welsh

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EXAMINER

JOHNSON, VICKY A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/685,215
Filing Date: October 14, 2003
Appellant(s): WELSH, WILLIAM A.

David L. Wisz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 4, 2008 appealing from the Office action mailed July 17, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

JP 61-164109 Ueda et al Pub Date July 24, 1986

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al (JP 61164109).

Ueda et al disclose a vibration isolation system for reducing vibrations in a rotating system rotatable about an axis of rotation, comprising: a multiple of independently rotatable masses (21a, 21b) coaxially disposed about an axis of rotation of a rotating system (see Fig 6); a drive system interconnected to each of said multiple of independently rotatable masses to independently rotate each of said multiple of independently rotatable masses about said axis of rotation (pg 12 lines 3-6); and a control system in communication with said drive system to control an angular velocity of at least one of said multiple of independently rotatable masses to reduce in-plane vibration of the rotating system (pg 5 lines 1-8).

(10) Response to Argument

The applicant argues that Ueda fails to anticipate claims 22 and 25-27 and that the entire rejection is improper because only an English abstract is provided and the Examiner has relied only upon the abstract. On July 17, 2007 the Final rejection was mailed out, and included with the rejection was a copy of the Ueda reference (in Japanese) along with the English abstract. The MPEP states:

II. RELIANCE UPON ABSTRACTS AND FOREIGN LANGUAGE DOCUMENTS IN SUPPORT OF A REJECTION

Prior art uncovered in searching the claimed subject matter of a patent application often includes English language abstracts of underlying documents, such as technical literature or foreign patent documents which may not be in the English language. When an abstract is used to support a rejection, the evidence relied upon is the facts contained in the abstract, not additional facts that may be contained in the underlying full text document. Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished). To determine whether both the abstract and the

The rejection specifically cites the Ueda patent with references made to the drawings and the reference characters, which as stated by the applicant, are not included in the abstract. The rejection relied upon the Ueda patent, not the abstract. The abstract was only provided as a convenience for the applicant.

It is also argued that the masses (21a, 22b) are not independently rotatable masses. Figure 6 of the Ueda reference show that the mass rotate in opposite directions independently, and further the reference states on page 12 lines 3-6 that 21a rotates clockwise and 21b rotates counter-clockwise.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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